

APR 03 2008

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Application No.: 10/798,541

Inventor(s): Michael J. Gray et al

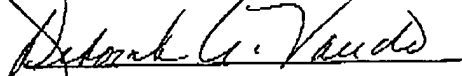
Filed: March 11, 2004

Docket No.: 8135 / Z-03368

Confirmation No.: 6481

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/798,541
Inventor(s) : Michael J. Gray
Filed : 03/11/2004
Art Unit : 3724
Examiner : Michalski
Docket No. : 8135 / Z-03368
Confirmation No. : 6481
Customer No. : 27752
Title : Shaving Razor With Trimming Blade

REPLY BRIEF

Mail Stop Appcal Brief - Patents
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Pursuant to 37 C.F.R. § 41.41 Applicant responds to the Examiner's Answer as follows.

At page 10, item (10) A. of the Examiner's Answer, the Examiner asserts that the definition applied by the Office is the Broadest Reasonable Interpretation of the Claim Term. With all due respect the Applicant disagrees. The definition being applied by the Office is unreasonable and this is where the difference between the Applicant and the Office lies. The figure provided on page 6 of the Examiner's Answer sets forth the position of the Office. The figure does draw a line dividing the razor into two halves. However, while a line drawn in the middle of a razor does divide the razor in two halves, it does not provide delineation of a first end or a second end within each respective half.

The Applicant would now like to turn to item (10) B. beginning on page 21 of the Examiner's Answer. First, the Office asserts that the handle of Rozenkranc is a Gillette Mach 3 razor handle. The Applicant, Gillette, has no idea where this notion came from but it is factually incorrect. Second, the position taken by the Office that the middle of an object constitutes an end is unreasonable.

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The Applicant would now like to turn to item (10) C. beginning on page 23 of the Examiner's Answer. The Office again is taking an unreasonable interpretation of the term "enclose". The claim at issue, claim 3, states "the two portions joining at the first end to enclose the region". The Office is taking the position that the letter Y has an enclosure bounded between the bifurcations. Even if that were true, which the Applicant disagrees with, it is clear that the two portions of the letter Y are not joined to enclose the region as is required by the claim.

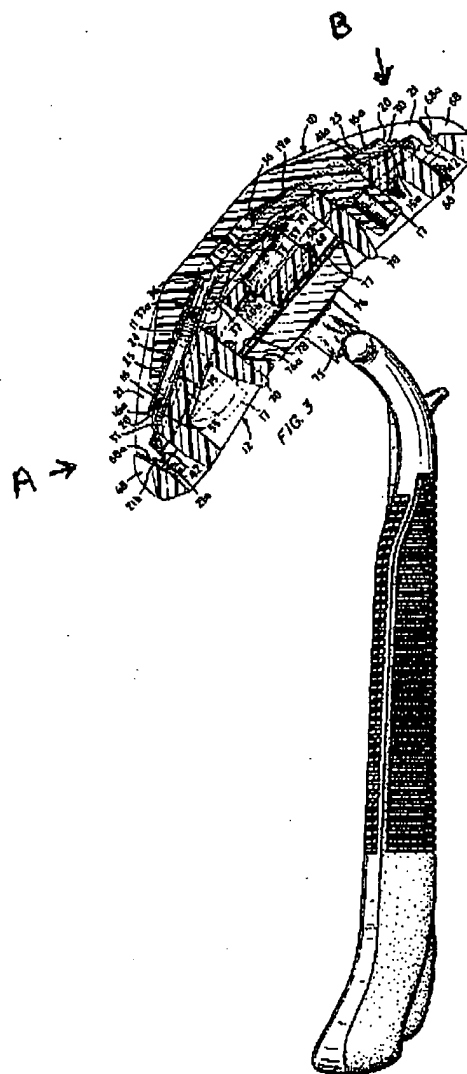
The Applicant would now like to turn to item (10) D. beginning on page 24 of the Examiner's Answer. The Office refers to only a portion of the passage appearing at col. 6, lines 22-28 of Shurtleff. The entire passage reads as follows:

"Arms 26, 28 thus form distinct forward lateral as well as underside curved thumb and finger support positions "C" and "D" that can be located by the thumb and fingers of a user simply by feel."

Thus, the portion D being referred to by the Office is the underside portion of curved bars 26 and 28 of the handle 10. While the curved bars 26 and 28 may support the thumb they are part of the handle 10 and not a distinct finger pad as is required by the claims.

The Applicant would now like to turn to item (10) E. beginning on page 25 of the Examiner's Answer. The Office states that Applicant has provided no evidence that it would be nearly impossible to shave with both sets of opposing blades of Braginetz as one set of blades would be at an extremely awkward angle. Below the Applicant has reproduced the handle of Fig. 3 of Kohring (which is similar to the handle in Fig. 4 of Shurtleff) with the cartridge removed. The Applicant has inserted the cartridge of Braginetz (Fig. 3) on the handle of Kohring positioning the cartridge of Braginetz at the same angle as the cartridge of Kohring is positioned.

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Braginetz uses a straight handle for a reason and that is to provide a convenient and comfortable shave with both sets of blades A and B. Utilizing a curved handle as set forth above would not even be a consideration for the man skilled in the art as it provides a razor that would be awkward to shave with blades A and extremely difficult to shave with blades B.

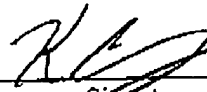
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For these reasons and the reasons stated in the Appeal Brief, Applicant submits
that the final rejection should be reversed and that the claims be allowed on appeal.

Respectfully submitted,
THE GILLETTE COMPANY



Signature

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Date: April 3, 2008

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